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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF

KENNETH S. NAVE, M.D.

ORDER OF SUMMARY SUSPENSION

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This matter came on before the Board on May 26, 1994, at a meeting for which proper public notice was given. Representing the Division of Enforcement was Prosecuting Attorney Arthur Thexton. Respondent appeared in person, without counsel.

Based on the evidence before it, the Board makes the following:

FINDINGS OF FACT

1. Kenneth S. Nave, M.D. (dob 5/14/62), is and was at all times relevant to the facts set forth herein a physician and surgeon, specializing in internal medicine, licensed in the State of Wisconsin pursuant to license #33537, originally granted 7/23/92. Respondent's address of record with the Board is 6701 West Villard Avenue, Milwaukee, WI 53218.
2. There is probable cause to believe that respondent is chemically dependent upon cocaine, has practiced medicine while under the influence of cocaine, and has abandoned his patients because of his use of cocaine.
3. Respondent is not covered by the Wisconsin Patients Compensation Fund.
4. Respondent's condition is such that the public health, safety and welfare imperatively require emergency suspension in that respondent is likely to practice medicine while under the influence of cocaine, and thus endanger the health and safety of patients. Further and separately, respondent's lack of coverage by the Fund is a danger to the welfare of any patient who may be harmed by any negligent act or omission by respondent.
5. A Complaint alleging unprofessional conduct has been issued by the Board in this matter.
6. Respondent was personally served with the Petition for Summary Suspension and the other documents described therein on May 11, 1994.
7. In addition to the sworn Petition for Summary Suspension, the Board received the following evidence at the time it considered the Petition: notice of noncompliance dated November 29, 1993 from the Commissioner of Insurance--Patients Compensation Fund, report of the Milwaukee Police Department of a search conducted at respondent's offices and respondent's arrest on March 9, 1994, interview memo of Investigator Schaut dated April 6, 1994 regarding her March 30, 1994 interview of three employees of respondent, and Outpatient Evaluation of respondent by Michael Goldstone, M.D., of Addictive Disease Medical Consultants dated December 15, 1993, and interview memo of Investigator Schaut dated April 26, 1994 of her April 22, 1994 interview with respondent's girlfriend.

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CONCLUSIONS OF LAW

8. The Board has jurisdiction in this matter pursuant to §448.02(7) Wis. Stats., and ch. RL 6, Wis. Adm. Code.
9. The requirements for summary suspension have been met

ORDER

THEREFORE, on the above Findings and Conclusions.

10. IT IS ORDERED: The license to practice medicine and surgery of Kenneth S. Nave, M.D. is SUMMARILY SUSPENDED for thirty days. The authority to continue this suspension under §448.02(4) is delegated to the Administrative Law Judge assigned to this matter, but the Board retains jurisdiction to review a decision to continue or terminate such suspension. Kenneth S. Nave shall forthwith surrender all indicia of licensure to the Board or any agent of the department.

11. IT IS FURTHER ORDERED: Respondent is informed that he may request a hearing to show cause why this summary suspension should not be continued. Such request may be filed with the Medical Examining Board or the Administrative Law Judge assigned to this matter, at 1400 East Washington Avenue Room 178, P.O. Box 8935, Madison, WI 53708-8935. If a hearing is requested, it will be held within 20 days of the day the request is received, unless respondent requests or agrees to a longer time.

12. IT IS FURTHER ORDERED: The report of Dr. Goldstone is a medical record of a patient, and shall not be open to public inspection without consent of respondent or further order of the Board.

13. IT IS FURTHER ORDERED: A copy of this Order shall be served upon respondent in the manner provided in §801.11, Wis. Stats.

Dated this May 26, 1994.

WISCONSIN MEDICAL EXAMINING BOARD

by: B. Jm. Newaser
a member of the Board

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